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SIXTH COMMITTEE
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held on
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at 10 a.m.
New York

# SUMMARY RECORD OF THE 34th MEETING

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| Chairman: | Mr. ZARIF | (Islamic Republic of Iran) |
| later: | Mr. TOMKA (Vice-Chairman) | (Czechoslovakia) |

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The meeting was called to order at 10.25 a.m.

AGENDA ITEM 128: UNITED NATIONS DECADE OF INTERNATIONAL LAW (continued) (A/47/384 and Add.1, A/47/67, A/47/60-S/23329, A/47/356-S/24367; A/C.6/47/6; A/C.6/47/L.12)

1. Mr. DASTIS (Spain), Chairman of the Working Group on the United Nations Decade of International Law, introducing the report of the Working Group (A/C.6/47/L.12), said that it reflected the comments made by the delegations that had taken part in the deliberations. It was divided into five sections, which corresponded to the sections of the programme for the first term of the Decade.

2. The annex to the report contained the programme for the activities for the second term (1993-1994), and it would also be included as an annex to the corresponding resolution. That programme was very similar to the programme for the first term and was also divided into the same five sections. That similarity was due firstly to the delicate balance with which the programme for the first term had fixed the goals to be achieved in each one of the objectives of the Decade. Secondly, the programme for the first term, because of its very nature, could not have been completed in two years.

3. The new programme incorporated those modifications which had been generally considered as necessary in order to reflect new developments in the field of international law and possible ways of contributing to the development of the Decade in future. The text offered many possibilities which could fully be developed by Member States and other organizations.

4. Mr. MIRAZAEE YENGEJEH (Islamic Republic of Iran) said that in the emerging atmosphere of cooperation, the international community, spared from rivalries between political blocs, now aspired to a new era of inter-State relations based on the principles of justice, adherence to the norms of international law, common prosperity, and respect for territorial integrity and the sovereignty of States. It was therefore imperative that all States Members of the United Nations should uphold the principle of the primacy of law in international relations, which was an essential factor for preserving world peace and security, and that they should endeavour, to the best of their abilities, to promote the objectives of the United Nations Decade of International Law.

5. The programme of activities for the second term of the Decade was the result of lengthy discussions and compromise, and was therefore unlikely to create general satisfaction. However, it did contain a number of important recommendations which, if complied with, would certainly help to advance the objectives of the Decade.

6. Unlike the programme for the first term, which had focused primarily on seeking the views of Governments and international organizations on how best to achieve the stated goals of the Decade, but had not allocated any specific

(Mr. Mirazaee Yengejeh, Islamic Republic of Iran)

activity in that connection to the Sixth Committee itself, the new programme did contain a proposal that a preliminary operational plan should be drawn up for a congress on public international law to be held in 1994 or 1995. As his delegation had stated in the Working Group, it was absolutely necessary that the resolution on the subject should give a clear mandate to the Secretariat to undertake that project. The proposal had enjoyed wide support in the Working Group, partly because it was felt that the programme of activities for the Decade should not be limited to the States Members of the United Nations, but should also involve relevant institutions, scholars and interested individuals in every country, in order to promote the objectives of the Decade throughout the world. The Islamic Republic of Iran, which had made the proposal, had been inspired by a successful congress organized in conjunction with the United Nations Commission on International Trade Law, which had been held in New York in May 1992.

7. The proposed congress would be the first of its kind in the history of the United Nations, would serve to promote the acceptance of, and respect for, the principles of international law, and would provide an opportunity to assess the prospects for the progressive development and codification of international law, while contributing to its wider dissemination. Ways and means of promoting the peaceful settlement of disputes between States, including the strengthening of the role of the International Court of Justice, would also be discussed at the proposed congress. Of the five working days proposed for the congress, the first four should be severally devoted to the four stated purposes of the Decade, while the fifth should focus on an evaluation of the results so far achieved, on activities for the second half of the Decade, and on prospects for the next century.

8. His delegation had made it quite clear in a communication to the Secretary-General that, given the current financial problems of the United Nations, the organization of such a congress should not create an extra burden on its budget. In that respect, the Islamic Republic of Iran had been encouraged by the statement of the Secretary of the Sixth Committee to the Working Group, in which he had said that the costs of servicing the congress could in all probability be absorbed by existing allocations. However, the possibility of funding from voluntary contributions should not be excluded. His delegation was willing to study the views of other interested delegations in order to assist the Secretariat in preparing a preliminary plan for the congress.

9. Mr. LIAO Jincheng (China) said that the first two years of the United Nations Decade of International Law had laid a sound foundation for the Decade's contribution to the enhancement of the international rule of law and the maintenance of international peace and stability. His Government had consistently supported the Decade and had participated actively in organizing the programme of activities for its first term.

(Mr. Liao Jincheng, China)

10. In the course of the first term, the Chinese Government had organized, with the cooperation of the United Nations Environment Programme and other agencies, a symposium in Beijing from 12 to 14 August 1991, in which 32 experts and scholars from 17 countries and international agencies had participated. The final report adopted by the symposium contained proposals for the development of international environmental law.

11. His Government had also held a successful symposium on third world countries and international law in Beijing from 24 to 26 August 1992, involving 34 international jurists and lawyers from over 20 countries and relevant international organizations. It had emerged as the general view of the participants that the developing countries had made a substantial contribution to the progressive development and codification of contemporary international law, and that the symposium would greatly facilitate exchanges and cooperation among developing countries in the fields of teaching and research, thus enabling them to play a more active role in that regard. Further information concerning the symposium was available to interested delegations in document A/C.6/47/6.

12. His Government had brought to the attention of the Chinese Society of International Law the programme for the activities for the first term of the Decade. As a result, the Society had sponsored an international symposium, held in Beijing from 17 to 21 August 1992, on the teaching and study of international law, which had involved legal scholars and professionals from 11 countries. The symposium had been preceded by two seminars on the same subject, held in Beijing and Shanghai.

13. China and the great majority of other countries shared a common desire to ensure that the role of the International Court of Justice was strengthened and that international disputes were settled by peaceful means. In addition to putting forward relevant proposals, his Government was actively consulting with the other permanent members of the Security Council with a view to strengthening the role of the Court in the peaceful settlement of disputes. It was also willing to explore, on a bilateral or multilateral basis, practical and effective ways to enhance the role of the Court and promote the settlement of international disputes by peaceful means. At the same time, it was considering withdrawing its reservations concerning clauses on the settlement of disputes in certain international conventions.

14. His Government had actively supported and participated in the activities relating to the Decade. Among the useful proposals put forward in the discussions of the Working Group, it particularly noted the proposal to hold a congress on public international law. His delegation was prepared to consult with other interested delegations on that proposal.

15. Mr. OSVALD (Sweden), speaking on behalf of the Nordic countries, said that the report of the Secretary-General on the United Nations Decade of International Law (A/47/384 and Add.1) reflected an impressive level of activity at both the national and international levels. It was important for the document to be disseminated as widely as possible at the national level, and in particular to relevant branches of government, so as to provide information about ongoing activities and act as a source of inspiration to the reader.

16. As the Nordic countries had noted in their statement in 1991, the main focus of the Decade should be at the national level. The activities of the Decade were slowly but steadily gaining speed. The dissemination of the Secretary-General's report at the national level should stimulate further activities in such a way that the work would be self-generating and perhaps lead to a major manifestation of different activities towards the end of the Decade. The fundamental parts of the programme of activities for the first term of the Decade should be left unchanged; only the necessary specific amendments should be made.

17. The Nordic countries felt that the idea of organizing a United Nations congress on public international law was worthwhile, within existing budgetary means. It was important that such a congress should be carefully planned; further deliberations and consultations were therefore needed.

18. The Nordic countries felt that, rather than devoting one day to each of the different topics of the Decade, seminars and workshops could be organized where participants with special interests could meet with a view to achieving practical results. Careful consideration should be given as to who should participate. It was important that practitioners of international law, in particular officers from the legal departments of ministries of foreign affairs, should participate. Consideration needed to be given to ways of facilitating attendance at the congress for practitioners who so far had had limited opportunities to take part in such meetings.

19. One possible topic for the congress to consider was what kind of assistance and technical advice was needed by States, particularly developing countries, to facilitate their participation in the process of multilateral treaty-making, including their adherence to and implementation of treaties. Such an exchange of ideas was not possible without the participation of the States concerned, including the newly independent States in Eastern Europe and Central Asia.

20. On the question of whether national committees should be set up, the Nordic countries felt that flexibility was needed. In some countries it might be advantageous to have such committees. In their own case, they had preferred to organize the work somewhat differently, not least because of the multifaceted work performed by non-governmental organizations in their region. The priority was to keep those organizations informed about the Decade. That task could be carried out by the legal department of each

(Mr. Osvald, Sweden)

ministry of foreign affairs, which could provide information about the work of the Sixth Committee and its Working Group and make available the necessary documentation.

21. On the question of an international committee for the Decade, he noted that the Sixth Committee was already the international coordinating body. International non-governmental committees and ad hoc cooperation between non-governmental organizations or interested individuals and private bodies might also be useful. Non-governmental organizations could make a significant contribution to the successful outcome of the Decade; it was for them to formulate their own programmes and conduct their activities, including participation in possible international bodies. They could also be involved in the founding of branch or sister organizations in other countries, so as to promote active participation at the national level by non-governmental organizations, and their scrutiny of government policy in matters involving the application of law.

22. The issue of protection of the environment in times of armed conflict deserved priority attention during the Decade. That topic touched upon at least three of the main purposes of the Decade.

23. The legal departments of ministries of foreign affairs were in the best position to act as a link between the work within the United Nations and the various institutions at the national level which should be involved in the programme for the Decade. Those departments should be able to make a substantial contribution, with modest efforts; they could ensure that the relevant documentation was disseminated at the national level, make law faculties aware of the programme for the Decade and its progress, and encourage lectures and articles on the Decade.

24. The Nordic countries felt that many different methods could be used to popularize international law. They reiterated their proposal that the United Nations should write a short text on the United Nations and international law which could be used in schools. The outline of such a text could be prepared in time for the next session of the General Assembly.

25. Mr. ORDZHONIKIDZE (Russian Federation) said that the legal foundations of international life were being consolidated in the aftermath of ideological confrontation, and there was a growing compatibility in the positions of States on legal matters. Since the United Nations had a unique role to play in harmonizing those positions, it had been a logical step for the General Assembly to proclaim the 1990s as the United Nations Decade of International Law.

26. The most important outcome of the deliberations thus far on the specific programme for the Decade had been the additional impetus given to the machinery of cooperation within the United Nations in regard to international law, and the increasing involvement of States in implementing various aspects of the programme. Welcome features of the programme for the term 1993-1994

(Mr. Ordzhonikidze, Russian Federation)

which the Working Group on the Decade was proposing in its report (A/C.6/47/L.12) were that it focused on the practical applications of international law and that it showed realism as to financial constraints. Obviously, not all the suggestions and ideas contained in the report could be implemented in the programme for that term, but many of them merited careful consideration.

27. His delegation agreed with the Working Group's conclusion that national efforts would play a major part in ensuring the success of the Decade, since stability and predictability in international development ultimately depended on the attitude of States to the principle of the primacy of international law in international relations and to the rule of law in general. The aim of the Decade should be to encourage States to recognize that legality constituted a formidable barrier to disintegration and an incentive to democratic and humane social development.

28. A further function of the Decade was to promote international peace and security, and in particular the crucial principle of peaceful settlement of disputes. In that respect, significant progress had already been achieved since the end of the cold war, as could be seen from the increasing role of the International Court of Justice and the machinery for conciliation and arbitration emerging from the Conference on Security and Cooperation in Europe. Procedures for the peaceful settlement of disputes were also under consideration in the Council of Europe and other regional organizations, and were a constant concern within the Commonwealth of Independent States. A major role in preventing armed conflict was played by international humanitarian law, as had been duly reflected in the programme for the Decade.

29. Newly independent States could benefit from cooperation with the United Nations in matters relating to international law, in particular the question of acceding to basic international and regional instruments, and ensuring compatibility between domestic legislation and international obligations.

30. One priority should be to promote popular awareness of international law, particularly by encouraging States and international organizations to publish the texts of the basic conventions and the works of recognized authorities - both scholars and practitioners - in the field of international law.

31. The proposal to hold a United Nations congress on public international law was worthwhile, but must be backed up by solid preparatory work in order to ensure that its conclusions and recommendations represented real landmarks in the development of international law. His delegation also supported the Working Group's recommendation that the Secretariat should prepare, in consultation with members of the Committee, a preliminary working plan for such a congress.

32. Mr. MONTES DE OCA (Mexico) said that the rigid positions adopted by some members of the Working Group on the United Nations Decade of International Law called into question the usefulness of continuing to work on the basis of consensus. A mechanism must be found for following up on constructive ideas presented in the Working Group in order to guard against unjustified obstructionism. The Working Group might wish to consider the possibility of a return to the strict observance of the rules of procedure of the General Assembly and to abandon the method of exceptions which had been adopted to promote the objectives of the Decade.

33. During 1992, Mexico had for the first time enacted a general law on treaties which provided guidelines to the executive branches on the characteristics and elementary procedures of treaty negotiation. His Government had also signed a contract to computerize the bilateral and multilateral treaties in force to which Mexico was a signatory. Also during 1992, an updated list of such treaties had been published and made available commercially.

34. The Mexican Committee for the United Nations Decade of International Law had received strong support from jurists in the academic, litigation and public administration sectors, who had continued their efforts to provide follow-up to the programme for the Decade. At the multilateral level, Mexico had participated in the second Ibero-American summit of heads of State and Government in July 1992, which had provided a high-level forum for reaffirming commitment to the principles and objectives of its founding meeting, including respect for international law.

35. With regard to the peaceful settlement of disputes, he wished to draw attention to the extensive section on mechanisms for the peaceful settlement of disputes, contained in the free-trade agreement which Mexico had negotiated with Canada and the United States.

36. Like other Latin American States, Mexico believed that one of the basic vehicles for the dissemination of international law was the availability in all the official languages of the United Nations of a list of titles of multilateral treaties of which the Secretary-General was depositary. In that connection, he wished to commend the Treaty Section for its efforts, thanks to which such a list would be made available within a few weeks.

37. His delegation welcomed the proposal made by the Iranian delegation for the convening of a congress on public international law. Such a congress would mark a significant milestone and would be the first of its kind in the United Nations. The organizers of the congress could learn from the experiences of the quasi-universal congresses on international law which took place in other forums. His delegation's initial reaction would be to propose that the provisional study prepared by the Codification Division should receive the input of all sections of the Office of Legal Affairs of the United Nations, since to entrust the task exclusively to the Codification Division would exclude inputs from the departments that dealt with international law

(Mr. Montes de Oca, Mexico)

and human resources, which were fully prepared to contribute to such a congress.

38. On the question of national committees and institutions for the dissemination and study of international law, his delegation was disappointed at the small number of national committees that had been set up to provide follow-up to the programme for the Decade. It recognized, however, that institutions existed in many States which carried out important related activities, although they did not operate within the framework of a national coordinating committee.

39. In that connection, his delegation would recommend that representatives of the Working Group on the Decade or a representative of the Bureau of the Sixth Committee should participate in the symposium which would be held in April 1993 at Washington as part of the annual meeting of the American Society of International Law. He would be grateful if the delegation of the United States could provide more information on that meeting. His delegation also welcomed the establishment of national committees in Bolivia and Argentina. In New York, a number of delegations to the Sixth Committee from Asia, Africa and Latin America had met informally on several occasions to discuss activities related to the objectives of the Decade. A member of the International Law Commission had addressed one of those meetings. Mexico hoped that a larger group could meet in 1993 with members of the Commission or with its Chairman to discuss the Commission's work or to listen to one of the lectures delivered in the Commission's seminar in Geneva. Several delegations had expressed an interest in such lectures.

40. At subsequent informal meetings held in Asia, Africa and Latin America, it had been decided to organize a number of round-table meetings, to which all the members of the Sixth Committee had been invited. Participants in those meetings had included professors from the Universities of Berlin, Columbia and Yale, and De Paul University in Chicago. The meetings had also been supported by the President and several members of the International Court of Justice. His delegation hoped that the experience could be repeated in 1993, and urged the missions in New York to continue to participate in the effort.

41. Other activities to promote the Decade should, however, be of a more formal nature. For that reason, his delegation regretted the objections of some members of the Working Group to the idea of entrusting the outgoing Chairman of the Working Group with a mandate to organize such events. An alternative would be to receive the support of the Bureau of the Sixth Committee to organize such functions throughout the year under the direction of its Chairman. Indeed, it was unfortunate that the Sixth Committee should only devote two months of the year to the task of coordinating the objectives of the programme for the Decade.

(Mr. Montes de Oca, Mexico)

42. The Committee should seek to ensure that the general course in international law which was taught every year at the Academy of International Law was disseminated simultaneously, or at a later stage, in interested faculties of international law. A system of credits for completing the general course under supervision could represent a unifying element in the study of that subject at a world-wide level. Since, in its current printed form, the course was inaccessible to the great majority of universities, efforts should be made to translate and disseminate it in Spanish and Arabic. There was also a need for a more effective dissemination of the Hague Recueil des Cours, including its videotaping and sale.

43. His delegation wished to stress the importance of the informal consultations held among the legal advisers of the ministries of foreign affairs of States Members of the United Nations. Mexico, for example, in consultation with Brazil and Spain, had played an important role in gaining the support of a large number of Latin American countries for the idea that the General Assembly should authorize the Secretary-General to request advisory opinions from the International Court of Justice. The Legal Counsel of the United Nations had made extensive comments on that idea, and Mexico would be attentive to the views of delegations at the forthcoming session of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization.

44. With regard to the Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, concrete steps should be taken to expand the Programme in the manner suggested in paragraph 14 of General Assembly resolution 46/50. In that connection, the public relations and promotional activities of the Chairman of the Sixth Committee between sessions of the Committee could be very useful. His delegation welcomed the publication by the Codification Division of the United Nations and the secretariat of the International Court of Justice of the summaries of judgments and advisory opinions of the Court from 1948 to 1991. A lower-cost edition of that publication, as well as a version in Spanish, would ensure its wider dissemination among interested faculties of law. In that respect, he wished to draw attention to the possibility of external funding of translations into Spanish of the full texts of the Court's judgments. In order to take advantage of that offer, the Secretariat should prepare a study on the question for the consideration of the Fifth Committee, on the understanding that the texts of advisory opinions would in future no longer be incorporated in the collections, provided that they were translated as part of the normal workload of the United Nations.

45. Turning to the work of the Sixth Committee, he noted that jurists recently assigned to missions in New York immediately sought literature on the Sixth Committee and on the progress of its work, in order to understand its position among the other Main Committees, its mandate, its identity and its methods of work. The absence of documentation in that area was unfortunate. His delegation therefore welcomed the brief but enlightening notes on the

(Mr. Montes de Oca, Mexico)

Sixth Committee (A/46/372) prepared by the Legal Counsel. If expanded at a later stage, the document would be of even greater use to new representatives to the Sixth Committee.

46. Mr. Tomka (Czechoslovakia), Vice-Chairman, took the Chair.

47. Mr. SALEEM (India) said that his country endorsed the concept of the Decade of International Law, whose purposes were consistent with its own history and record. India had always supported the promotion of the rule of law in international relations and the progressive development and codification of international law. It had played an active role in the adoption of the United Nations Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, the Manila Declaration and, more recently, the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations. It had been a co-sponsor of the New Delhi Declaration of Heads of State or Government of Non-Aligned Countries, which had called for peace and total disarmament, in particular nuclear disarmament and the elimination of weapons of mass destruction, and had actively participated in the international conferences held for the purpose of adopting such multilateral treaties as the 1969 Vienna Convention on the Law of Treaties, and the 1961 and 1963 Vienna Conventions. International law formed part of the curricula of several Indian universities at the graduate and post-graduate levels. His Government encouraged research in international law by giving financial and other assistance to academic institutions, and was considering the publication of treaties concluded with other countries in the form of a treaty series. The central Government and the State governments were also financially assisting and actively supporting other programmes and activities in connection with the promotion of the study of international law. India was one of the founding members of the Asian-African Legal Consultative Committee, which had its headquarters in New Delhi, and actively participated in all the Consultative Committee's activities.

48. The promotion of the principle of peaceful settlement of disputes among States was, of course, fundamental to the achievement of international peace and security. However, both prevention and peaceful settlement of disputes should be flexible and appropriate to the circumstances and nature of the dispute in question. In that connection, he recalled operative paragraph 5 of the Manila Declaration, which enjoined States to settle their disputes on the basis of sovereign equality of States and in accordance with free choice of means. That principle was entirely consistent with the reference to "other peaceful means of their own choice" in Article 33, paragraph 1, of the Charter of the United Nations. The process of promoting peaceful settlement of disputes should not result in any restriction being placed on the wide choice of means of settlement of disputes available to States.

(Mr. Saleem, India)

49. In conclusion, he said that the cause of peace and peaceful settlement of disputes could not be adequately served unless the present world order was structurally modified and fundamental decisions were taken on vital issues repeatedly highlighted by the Non-Aligned Movement.

50. Mr. Zafir (Islamic Republic of Iran) resumed the Chair.

51. Ms. KOFLER (Austria), after reaffirming her country's wholehearted commitment to the objectives of the United Nations Decade of International Law, said that the replies from Governments summarized in the report of the Secretary-General (A/47/384 and Add.1) proved that the Decade was not a static concept that could be implemented by a stroke of the Sixth Committee's pen. While recognizing the Committee's particular responsibility for promoting the goals of the Decade and monitoring the implementation of its programme, her delegation believed that the aims formulated and the documents adopted could only be brought to life if a broad range of institutions and bodies at different levels, and at the national level especially, were involved in their implementation. That conclusion was supported by practical experience gained in her country and documented in its written reply.

52. Her delegation was, in principle, satisfied with the programme of activities for the second term of the Decade proposed by the Working Group (A/C.6/47/L.12, annex). While it would have preferred some parts of the programme to be adjusted and updated in the light of proposals put forward in the written comments and in the course of the debate, it was fully aware of the importance of reaching all decisions relating to the Decade by consensus. The references to the report of the Secretary-General entitled "An Agenda for Peace" (A/47/277-S/24111) contained in sections II and III of the programme attested to the Working Group's capacity to take account of new developments.

53. In connection with the promotion of means and methods for the peaceful settlement of disputes between States (sect. II of the programme), special emphasis should, in her delegation's view, be placed on areas in which differences between States were most likely to occur in the future and, in particular, on the environmental field. Recent years had witnessed a sharp increase in environmental conflicts with potentially explosive political implications, which had brought into focus the urgent need for specific measures for their prevention and settlement. In that connection, she referred to a passage in chapter 39 of Agenda 21, adopted by the United Nations Conference on Environment and Development, to the effect that in the area of avoidance and settlement of disputes, States should further study and consider methods to broaden and make more effective the range of techniques available at present, taking into account, among other things, relevant experience and the existing international agreements, instruments and institutions and, where appropriate, their implementing mechanisms.

54. With regard to the encouragement of the progressive development of international law and its codification, dealt with in section III of the programme, she reaffirmed the importance her delegation attached to the

(Ms. Kofler, Austria)

protection of the environment in armed conflicts. The development of international norms relating to environmental protection in general would, in view of its great importance, constitute a highly suitable subject to be dealt with in the framework of the Decade. The same applied, in her delegation's opinion, to the further development of international humanitarian law.

55. Lastly, referring to the request to the Secretariat to draw up a preliminary operational plan for a possible United Nations congress on public international law, she said that her delegation looked forward to receiving such a plan, which would enable it to comment on the proposal in greater detail. As a preliminary reaction, her delegation could agree with the suggestion that the holding of such a congress, if generally agreed upon in the Committee, might make an interesting contribution to the programme of events to celebrate the fiftieth anniversary of the United Nations.

56. Mr. FISSENKO (Belarus) said that it was appropriate for the Committee to conclude its work at the present session with the consideration of the item on the United Nations Decade of International Law. The productive exchange of views now taking place would undoubtedly serve as a healthy stimulus for future practical action in the sphere of international law.

57. His delegation endorsed the programme for the activities for the second term of the Decade reproduced in the annex to the report of the Working Group (A/C.6/47/L.12). It welcomed the appeal addressed to States in section I, paragraph 1, of the programme to act in accordance with international law, and particularly the Charter of the United Nations, and to promote the acceptance of and respect for the principles of international law. It was particularly important that as many States as possible should become parties to existing multilateral treaties and especially to those relevant to the progressive development and codification of international law, priority being given to international instruments on human rights and humanitarian law, and also, perhaps, to the Vienna Convention on the Succession of States. His Government was already a party to a number of international treaties and conventions, and work was in progress towards its participation, on the basis of the law on the succession of States, in multilateral and bilateral treaties concluded by the former Union of Soviet Socialist Republics. Such work required considerable effort on the part of the young legal department of his country's Ministry of Foreign Affairs, and the importance of international cooperation in the field of international law, inter alia, in the context of the Decade, was therefore appreciated with particular clarity.

58. The emphasis placed in the programme on the promotion of means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice, was, in his delegation's view, entirely justified. In that connection, the ideas concerning the International Court of Justice put forward in paragraphs 38 and 39 of the Agenda for Peace (A/47/277-S/24111) deserved careful consideration. He also recalled the statement made by his delegation in

(Mr. Fissenko, Belarus)

connection with the consideration of agenda item 133, stressing the need to bring into action a mechanism for the implementation of the Declaration on Fact-finding by the United Nations in the Field of the Maintenance of International Peace and Security (General Assembly resolution 46/59) and the desirability of ensuring the wide dissemination in all the official languages of the United Nations of the Handbook on Peaceful Settlement of Disputes between States.

59. His delegation attached great importance to the activities referred to in section IV of the programme in connection with the encouragement of the teaching, study, dissemination and wider appreciation of international law. The idea of holding a United Nations congress on public international law in 1994 or 1995 within the context of the Decade also deserved every support. The recent congress on international trade law, in whose work representatives of Belarus had taken part, could serve as a useful model in the preparation of the proposed congress, the holding of which might usefully be timed to coincide with a session of the Special Committee on the Charter, the International Law Commission or the General Assembly.

60. Mr. Tomka (Czechoslovakia), Vice-Chairman, took the Chair.

61. Mr. YAMADA (Japan) said that in view of the new challenges that were arising in the wake of the cold war, it was important to remind States of their obligation to act in accordance with international law, and particularly the Charter of the United Nations. Japan was committed to the principle of peaceful settlement of international disputes, particularly through the International Court of Justice. That commitment was demonstrated by its acceptance of the Court's compulsory jurisdiction as early as 1958, and by its cooperation with the Court since then for the enhancement of the rule of law in the world community. Japan would continue to make every effort to strengthen the role of the Court as the world's most prestigious judicial institution.

62. The Committee should take into account the proposals made in the Agenda for Peace with regard to the peaceful settlement of disputes. An important role could be played by regional organizations, in consultation with the United Nations, in that respect. In addition, wider use should be made of the Permanent Court of Arbitration.

63. Efforts should be made to identify areas of international law which might be ripe for progressive development or codification, particularly since new issues were arising which might not be sufficiently covered by existing law, for example the environment. The Special Committee on the Charter should continue to study measures to strengthen the United Nations system for the maintenance of international peace and security, taking into account the proposals contained in the Agenda for Peace, and in consultation with other United Nations forums.

(Mr. Yamada, Japan)

64. The primary goal of the Decade was the popularization of international law. Ever since its admission to the United Nations, Japan had conducted various information activities in order to develop public understanding of the Charter. During the first term of the Decade, the Ministry of Foreign Affairs had compiled and distributed a pamphlet entitled "The United Nations and Japan". The United Nations Association of Japan had also produced pamphlets about the United Nations. In addition, Japan had organized seminars and symposia on international law.

65. Japan believed that it was useful to keep data on specific roles played by international law in the constantly changing international situation, and on how each country perceived such roles. In order to facilitate understanding among countries, efforts could be made to promote and foster cooperation in the compilation and distribution of materials, including explanations and analyses of issues relating to international law in which individual countries were involved. Every year, Japan donated to educational and research institutions around the world several hundred copies of the Japanese Annual of International Law.

66. Before a final decision was taken as to whether a United Nations congress on public international law should be convened, further definition and clarification needed to be sought on its purpose, agenda and participants. The Secretariat should draw up a preliminary operational plan for the congress and submit it to the Committee for consideration.

67. Mr. WOOD (United Kingdom), speaking on behalf of the European Community and its member States, drew attention to the comments those States had submitted in response to resolution 46/53, which were reflected in the report of the Secretary-General (A/47/384), and indicated the very wide range of activities relevant to the Decade that were being undertaken under the auspices of the European Community.

68. The Programme for the activities for the second term (1993-1994) of the Decade was similar to the programme of activities for the first term (1990-1992), which had been conceived in general terms. By their very nature, the activities within the programme had not been expected to be completed within a two-year period and, with the adjustments agreed upon, they were equally appropriate for the second term.

69. The European Community and its member States welcomed the mandate given to the Secretariat to draw up a preliminary plan for a United Nations congress on public international law and looked forward to considering the matter in more detail at the next session of the General Assembly.

70. Mr. KONE (Mali) said that the winds of change, freedom and democracy heralding a new era gave rise to an imperative need for justice, the codification of international law and the establishment of an international criminal jurisdiction. On the threshold of the third millennium, there were multiple concerns. Crimes against peace and mankind and crimes against the

(Mr. Kone, Mali)

environment were being committed daily; major political entities were rapidly disintegrating and peoples who were united by the same history, language and culture were destroying each other in the name of "ethnic cleansing". Senseless fratricidal wars were raging in Africa and elsewhere. Grave and massive violations of international law were occurring, and diplomatic missions, agents and correspondence were not spared. New democracies were being threatened by insecurity, economic disparities, protectionism and outside interference. Although the cold war was over, conventional, nuclear, bacteriological and chemical weapons still remained; factories were still producing round the clock, while for arms dealers it was just "business as usual".

71. International law had come into being at a similar period of change and uncertainty. It was being constantly enriched and developed over time. International legal science was becoming widely accepted and had had several culminating points, most recently the elaboration of the draft Code of Crimes against the Peace and Security of Mankind and the proposal for an international criminal court. Mali, a country of law and institutions, welcomed that positive development of public international law.

72. The difficulties and obstacles linked with universal acceptance of an international criminal jurisdiction could not be minimized. The principles of respect for State sovereignty and the exclusive competence of domestic courts would stand in the way of the primacy of international law over domestic law. The legal and political questions were complex and interlinked. However, in view of the end of the cold war and the prevailing enthusiasm in the international community, the increasing number and almost unanimous acceptance of United Nations peace-keeping operations, as well as the desire many times expressed in the Committee and in the General Assembly for a strengthening of the United Nations, it was to be hoped that with true political will, humanity, during the current decade, would be able to bring about the triumph of law over force, of international law over domestic law, so as to break away, finally, from the swing of the pendulum between barbarism and civilization.

The meeting rose at 12.45 p.m.